

Agenda Item No. R-\_\_1\_\_

**VILLAGE OF ROYAL PALM BEACH**

Agenda Item Summary

**Agenda Item:**

**PUBLIC HEARING AND FIRST READING TO CONSIDER ORDINANCE NO. 1053, PROVIDING FOR THE VILLAGE OF ROYAL PALM BEACH’S CONTINUED INCLUSION IN THE PALM BEACH COUNTY FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT (“MSTU”) FOR THE PROVISION OF FIRE PROTECTION, FIRE RESCUE, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES . BY KEITH DAVIS, ESQ., VILLAGE ATTORNEY.**

**Issue:**

On December 16, 2004, the Village Council adopted Ordinance No. 708, which stated that all territory within the incorporated municipal boundaries of the Village of Royal Palm Beach, as amended from time to time, would be included within the Palm Beach County Fire/Rescue Municipal Service Taxing Unit (“MSTU”). Ordinance No. 708 expired on December 31, 2014 and Ordinance No. 983 expires on December 31, 2024. In order for the Village to continue participating in the Fire/Rescue MSTU, a new ordinance must be adopted pursuant to Section 125.01(1)(q), *Florida Statutes*. Proposed Ordinance No. 1053 provides that the Village will continue to participate in the Fire/Rescue MSTU for an additional ten (10) year period through December 31, 2034.

**Recommended Action:**

Recommendation of approval of Ordinance No. 1053 on First Reading.

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Initiator:	Village Manager	Agenda	Village Council
	Approval:	Date:	Action:

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Village Manager	10-17-24		
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**ORDINANCE NO. 1053**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA; AMENDING CHAPTER 10. FINANCE AND TAXATION. AT ARTICLE VIII. INCLUSION OF VILLAGE'S BOUNDARIES INTO PALM BEACH COUNTY'S FIRE-RESCUE MUNICIPAL SERVICE TAXING UNIT ("MSTU"). AT SECTION 10-111. TO PROVIDE FOR THE VILLAGE'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE VILLAGE OF ROYAL PALM BEACH'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE, CONSENT AND DURATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE; AND ACKNOWLEDGING LIMITATION ON AD VALOREM MILLAGE RATE FOR MUNICIPAL PURPOSES.**

**WHEREAS**, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish Municipal Service Taxing Units ("MSTU"s), whereby a County may levy a tax, within the MSTU for certain essential municipal services, including the provision of fire-rescue services; and

**WHEREAS**, pursuant to Section 125.01(1)(q), Florida Statutes, a municipality may be included within an MSTU, subject to approval by ordinance of the governing body of the municipality giving consent either annually or for a term of years; and

**WHEREAS**, Palm Beach County (the "County") established an "MSTU" known as the Fire/Rescue MSTU to provide fire protection, fire rescue, advanced life support (or similar emergency services), code enforcement and other services necessary and incidental to the purpose for which the MSTU was created; and

**WHEREAS**, the Village by Ordinance No. 708 consented to its inclusion in the County's Fire/Rescue MSTU for a ten (10) year term through December 31, 2014; and

**WHEREAS**, the Village by Ordinance No. 983 consented to its inclusion in the County's Fire/Rescue MSTU for a ten (10) year term through December 31, 2024 , and further provided that said consent and inclusion shall be deemed to continue through 7:30 a.m. on October 1, 2025, to the extent necessary to enable the County to provide within the Village fire-rescue and related

services funded by tax year 2024, including but not limited to the enforcement of applicable laws and regulations; and

**WHEREAS**, the County by Ordinance 2004-072 amended the boundaries of the Fire/Rescue MSTU to include the Village of Royal Palm Beach; and

**WHEREAS**, the Village Council of the Village of Royal Palm Beach desires to extend, for an additional ten (10) year period from December 31, 2024 through December 31, 2034, its consent to the inclusion of all the territory lying within the municipal boundaries of the Village into the County’s Fire/Rescue MSTU for fire-rescue and related services within the Village within the Village from October 1, 2025, until 7:30 a.m. on October 1, 2035, and believes that such inclusion is in the best interest of the health, safety and welfare of the citizens of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:**

Section 1. Intent, Purpose and Consent: It is the intent, purpose and effect of this ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The Village Council of the Village of Royal Palm Beach hereby extends and consents to the inclusion of all territory within the incorporated municipal boundaries of the Village, as may be amended from time to time, within the County’s Fire/Rescue Municipal Service Taxing Unit (the “Fire/Rescue MSTU”), which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this ordinance is to enable the County to provide fire-rescue and related services within the territorial limits of the Village including, but not limited to, the County’s enforcement of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto (collectively “Fire Code”) and any other applicable laws and regulations applicable within the Fire/Rescue MSTU.

Section 2. Effectiveness and Duration of Consent: The provisions of this ordinance shall become effective December 31, 2024 to be implemented for tax year 2025, in order to fund and provide County fire-rescue and related services within the Village to begin at 7:30 a.m. on October 1, 2025, and to provide for the Village’s continuing inclusion in the Fire/Rescue MSTU without interruption. The Village’s consent to be included in the County’s Fire/Rescue MSTU shall continue from December 31, 2024, for a term of ten (10) years through December 31, 2034;

provided, however, that the Village's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2035, to the extent necessary to enable the County to provide within the Village fire-rescue and related services funded by the final tax year including, but not limited to, the County's enforcement of the Fire Code and any other applicable laws and regulations applicable within the Fire/Rescue MSTU.

Section 3. Effectiveness of Repeal: Should the Village intend to repeal this ordinance prior to its expiration on December 31, 2034, the Village shall provide written notice to the County, by March 1<sup>st</sup> of any given year, of the Village's intent to repeal this Ordinance, with such repeal to be effective December 31<sup>st</sup> of the same year. The County will then adopt an ordinance to remove the Village from the Fire/Rescue MSTU as of said December 31<sup>st</sup>. The Village shall adopt an ordinance to repeal this Ordinance and the consent provided herein, and shall provide a certified copy of the repealing ordinance to the County and the Property Appraiser, by said December 31<sup>st</sup>. The Village's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31<sup>st</sup>; provided; however, that the Village's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following October 1 at 7:30 a.m. to the extent necessary to enable the County to provide within the Village fire-rescue and related services funded by the final tax year, including, but not limited to, the County's enforcement of the Fire Code and any other applicable laws and regulations applicable within the Fire/Rescue MSTU.

Section 4. Ad Valorem Millage Rate Limitation: The Village acknowledges that by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would exceed the ten (10) mill cap for municipal purposes when combined with the Fire/Rescue MSTU's annual ad valorem millage rate.

Section 5. Codification: Specific authority is hereby granted to codify and incorporate this ordinance into the Code of Ordinances of the Village of Royal Palm Beach at Chapter 10. Finance and Taxation., Article VIII. Inclusion of Village's Boundaries into Palm Beach County's Fire-Rescue Municipal Service Taxing Unit ("MSTU"), and to amend Section 10-111 as follows:

**Sec. 10-111. Palm Beach County Fire-Rescue Municipal Service Taxing Unit (“MSTU”).**

Ordinance No. 708 adopted on December 16, 2004, provides for the inclusion of Village of Royal Palm Beach's boundaries within the boundaries of the fire/rescue MSTU established by Palm Beach County for fire-rescue services pursuant to section 125.01(1)(q), Florida Statutes, under the authority of section 9(b), article VII. of the state Constitution. Ordinance No. 708 is hereby included and incorporated herein by reference as if fully set forth herein and shall be kept on file for review in the office of the village clerk. Ordinance No. 708 expires on December 31, 2014. Ordinance No. 983 adopted on June 19, 2014, extends the Village’s inclusion in the Palm Beach County Fire-Rescue MSTU through December 31, 2024, and is hereby included and incorporated herein by reference as if fully set forth herein and shall be kept on file for review in the office of the village clerk. Ordinance No. 1053 adopted on November 17, 2024, extends the Village’s inclusion in the Palm Beach County Fire-Rescue MSTU through December 31, 2034, and is hereby included and incorporated herein by reference as if fully set forth herein and shall be kept on file for review in the office of the village clerk.

Section 6. Repeal of Conflicting Ordinances: All other ordinances and parts of the ordinances in conflict with any provisions of this ordinance are hereby repealed to the extent of the conflict. Notwithstanding the above, Ordinance Nos. 708 and 983 shall expire as provided for therein and shall not be deemed repealed by this Ordinance; provided, however, that Ordinance No. 983 and the term of consent identified therein shall be deemed to be extended to the extent necessary to enable the County to provide within the Village fire-rescue and related services funded by the final tax year thereunder.

Section 7. Severability: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

Section 8. Captions: The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 9. Effective Date: This Ordinance shall become effective on December 31, 2024. Notwithstanding anything here to the contrary, the Village’s continuing participation in the MSTU is contingent upon the County maintaining an ordinance including the Village within the Fire/Rescue MSTU.

FIRST READING this \_\_\_\_\_ day of October, 2024.

SECOND AND FINAL READING this \_\_\_\_\_ day of November, 2024.

VILLAGE OF ROYAL PALM BEACH

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JEFF HMARA, VICE MAYOR

(SEAL)

ATTEST:

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DIANE DISANTO, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY